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February 11, 2014

VIA ECF

Hon. Vernon S. Broderick  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *Morgan Stanley & Co. v. Peak Ridge Maser SPC Ltd. obo Peak Ridge  
Commodities Volatility Master Fund Segregated Portfolio*  
10 CIV 8405 (VSB)

Dear Judge Broderick:

I am the principal trial counsel for defendant-counterclaim plaintiff Peak Ridge Commodities Volatility Master Fund Segregated Portfolio ("Peak Ridge") in the above-referenced action. I will be out of the country on a family vacation the week of February 17, 2014 and will be unable to attend next week's conference, which is scheduled for Thursday, February 20, 2014 at 11:30 a.m. My partner, Erich Heichel, who has been working on the matter from its inception, is available to appear at the conference. In light of Rule 2A of the Court's Individual Practices, which requires the appearance of principal trial counsel at all conferences, we request guidance from the Court as to whether it would like to proceed with the conference as scheduled or adjourn it. I have communicated with Brian Frawley, counsel for plaintiff Morgan Stanley & Co., and he consents to proceeding with Mr. Heichel in attendance, or in the alternative, to adjourning the conference. This is the first request for an adjournment.

Respectfully submitted,

  
Eric R. Levine

cc : Brian T. Frawley, Esq.  
Counsel for Plaintiff